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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,762	08/27/2001	Mark E. Pecen	CS99025RL	5766

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EXAMINER

NGUYEN, THUAN T

ART UNIT PAPER NUMBER

2618

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,762

Applicant(s)

PECEN ET AL.

Examiner

THUAN T. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claims 1, 8, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Blonder et al. (U.S. Patent 5,708,422).

Regarding claims 1, 8, and 17, Blonder discloses a real-time and interactive communication system and its corresponding method in a (mobile wireless, for claims 8 and 17) communication application, comprising “transmitting a request from the communication to a communication server for a cost to conduct a communication transaction; receiving from the communication server, in response to the request, a cost offer for the transaction before the communication application conduct the transaction”, i.e., a user at a terminal point (Fig. 1/item 145 for a conventional phone), or at the communication application of a mobile wireless communication device (Fig. 1/item 135, a cellular phone or a personal computer, see col. 16/lines 15-22) can request for transactions and selects the applications based on the costs/purchases provided by the vendors/sellers before the transaction takes place (refer to Fig. 10/steps 20-23 & 25-27 and col. 13/lines 1-22 as the amount of purchase or the cost to conduct a transaction is confirmed with the user before the transaction occurs; furthermore in col. 11/line 42-col. 12/line 25 for a cost is offered for the transaction before the communication application conducts the transaction).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-7, 9-16, and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blonder (US Patent 5,708,422) as of claims 1, 8 and 17 in further view of Joao et al. (U.S. Patent No. 5,878,337).

For claim 2, Blonder does not goes further details on the transaction process for “receiving a cost offer including at least a communication service cost component” since Blonder focuses on the transaction authorization instead (refer to the summary); however, in the same filed of providing interactive goods and services to users, Joao further discloses the further steps of requesting, selecting, rejecting or accepting the (offer) cost of transactions before hand and the cost of components, an amount of information of the transaction, and subscription information associated with the application (col. 18/lines 45-56 for the cost of transaction and the cost of components or broken down components for the amount of transaction further includes supplement information such as the costs of goods and services as well as the time and location for each transaction including components and limits for each transaction with user’s information, see col. 16/lines 13-35). Therefore, it would have been obvious to one of ordinary skill in the art to modify Blonder’s system with Joao’s further details on how to handle the

Art Unit: 2618

transaction process in order to provide an enhanced communication system for providing details on transaction on an interactive basis.

As for claims 3-7, in further of claim 2 above, Joao further discloses the further steps of requesting, selecting, rejecting or accepting the (offer) cost of transactions before hand and the cost of components, an amount of information of the transaction, and subscription information associated with the application (col. 18/lines 45-56 for the cost of transaction and the cost of components or broken down components as **in claim 3** for the amount of transaction further includes supplement information such as the costs of goods and services as well as the time and location for each transaction including components and limits for each transaction with user's information, see col. 16/lines 13-35); then the steps of receiving the costs and the user charges his/her credits based on at least partly on the credit to the user of the communication application including a cost offer based partly on the credit to a user of the communication application for conducting the transaction with restrictions and limitations (col. 16/lines 13-35), through a authorization process whether to authorize or unauthorized the transactions (Figs. 9 & 9 (cont.) for **claim 6**). The entire process is conducted within a wireless communication network (see col. 3/line 60 to col. 4/line 56; col. 5/lines 3-39; col. 7/line 30 to col. 8/line 22 for transaction information including authorization, spending limits, types of transactions or a cost offer, types of goods and services or in other words, the quality of communications service, daily spending limits, and other limitations (as for **claim 4-5**); col. 8/line 60 to col. 9/line 53 for security issues; and col. 11/lines 25-59 for Internet accesses as well as transactions in real-time). Joao further includes a server computer to handle the transactions between vendors and users interactively (Fig. 10/item 350; and col. 35/lines 19-59 for **claim 7**).

Art Unit: 2618

As for claims 9-16 and 18-23, these claims with same limitations are rejected for the reasons given in the scope of claims 2-7 with the disclosure and teaching of Joao as disclosed above (see Joao reference for further details & embodiments not limited to any type of any communication systems (col. 4/lines 32-41) and to any type of receiving either stationary or wireless/mobile apparatus (col. 5/lines 3-19) as well as offer the reliability of the wireless transaction cost to the wireless communication device by providing security measures per claim 23 (col. 11/line 65 to col. 12/line 15).

Response to Arguments

5. Applicant's arguments filed 4/21/06 have been fully considered but they are not persuasive.

Applicant argue that the examiner's reliance on Blonder is misplace and cite that Blonder is for a system for alerting a customer that a transaction is pending and requesting confirmation/authorization of the transaction from the customer; however, Blonder further teaches that the cost of the transaction is requested to a communication server before the communication conducts the transaction, for instance, a future purchase or a series of purchases over a period of time, the user need to request for the cost of the transaction first before the transaction really occurs at a later time, and the communication server will provide to the user's communication device via conventional telephones and/or e-mails before the communication really conducts the transaction (refer again to Blonder, col. 11/line 43 to col. 12/line 25). Blonder reads on the claim languages of claims 1, 8, and 17. The rest of dependent claims stand proper and valid as disclosed in the office action based at least on these disclosures from Blonder for these claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to the New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,

Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

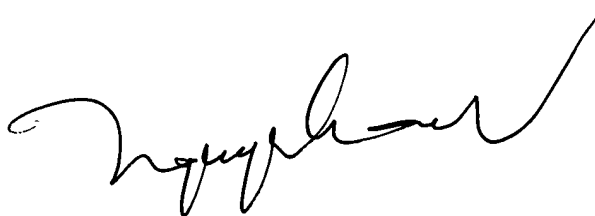
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Art Unit: 2618

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division or Art Unit 2618.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TONY T. NGUYEN
PATENT EXAMINER, P.S.A.

Tony T. Nguyen
Art Unit 2618
July 18, 2006